

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**THE SCHUMACHER GROUP, LTD,
ET AL.**

**v.
JAMES PRICE SCHUMACHER, ET AL.**

RESPONDENTS,

APPELLANTS.

DOCKET NUMBER WD78341

DATE: November 17, 2015

Appeal From:

Jackson County Circuit Court
The Honorable Kathleen A. Forsyth, Judge

Appellate Judges:

Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Attorneys:

George E. Kapke, Lee's Summit, MO, for appellants.

Danny L. Curtis and Adam S. Davis, Kansas City, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

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**v.
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No. WD78341

Jackson County

Before Division One: Anthony Rex Gabbert, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

James Price Schumacher and Cindy Sue Davis appeal the trial court's entry of summary judgment on counterclaims they asserted. Schumacher and Davis argue that the trial court erred in granting summary judgment because (1) the counterclaims were not barred by res judicata or collateral estoppel; (2) the counterclaims were not asserted against improper parties; and (3) summary judgment was granted after the counterclaims had been amended.

Affirmed.

Division One holds:

The trial court did not err in granting summary judgment. The trial court lacked jurisdiction over the counterclaims asserted by Schumacher and Davis because they were asserted against trusts and trustees that were not parties to the suit, and Schumacher and Davis never sought leave to add the counterclaim defendants as parties.

Opinion by Cynthia L. Martin, Judge

November 17, 2015

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